

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAVIER AGUILAR-ESPARZA,

Case No. 3:22-cv-00135-RCJ-CSD

Petitioner,

v.

**ORDER**TIMOTHY GARRETT, *et al.*,

Respondents.

Petitioner Javier Aguilar-Esparza proceeding *pro se* has filed a purported habeas petition that is not on the court-required form (ECF No. 2.) Aguilar-Esparza filed an application for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition to the Ninth Circuit Court of Appeals. The Ninth Circuit, however, found such application unnecessary because Aguilar-Esparza did not file a first § 2254 habeas corpus petition. (*See* ECF No. 1.) Accordingly, the Ninth Circuit transferred the application to be processed as a 28 U.S.C. § 2254 habeas corpus petition. (*Id.*)

Aguilar-Esparza, however, did not file a petition on the appropriate form or in substantial compliance with the form. The form is important as it provides the Court with necessary information to conduct preliminary review of the petition. His hand-written petition fails to disclose the required information. Accordingly, Aguilar-Esparza must, within 45 days of the date of this order, file an amended petition for habeas corpus relief on the Court's form.<sup>1</sup> In doing so, Aguilar-Esparza is advised to follow the instructions on the form and to refrain from lengthy legal or factual argument. Aguilar-Esparza must clearly title the amended petition as such, and he must place the case number, 3:22-cv-00135-RCJ-CSD, in the designated space.

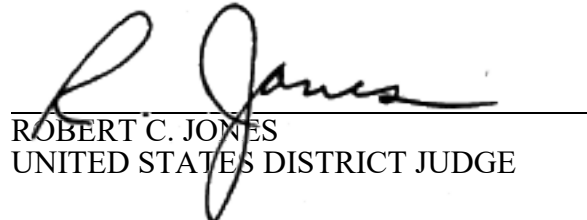
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<sup>1</sup> Petitioner at all times remains responsible for calculating the applicable statute of limitations. By ordering Petitioner to amend his petition, the Court makes no finding or representation that either the original or amended petition will be considered timely.

**IT IS THEREFORE ORDERED:**

1. The initial screening of Petitioner Javier Aguilar-Esparza Petition for Writ of Habeas Corpus (ECF No. 2) under the Rules Governing Section 2254 Cases is deferred to until such time as he has fully complied with this order.
2. Within 45 days of the date of this order, Aguilar-Esparza must file an amended petition on the Court's form. He must place the case number, 3:22-cv-00135-RCJ-CSD, in the designated space.
3. The Clerk of the Court is directed to send Aguilar-Esparza blank copies of the form petition for a writ of habeas corpus pursuant to § 2254.
4. Aguilar-Esparza's failure to timely comply with this Order will result in dismissal of the petition without prejudice and without further advance notice.

DATED this 18th day of May 2022.

  
ROBERT C. JONES  
UNITED STATES DISTRICT JUDGE